

REMARKS

The Applicant has amended Claims 2, 4, 14, and 17.

REJECTIONS OF THE CLAIMS UNDER §112

The Examiner has rejected Claims 2, 4, and 12-18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Although the Applicant respectfully disagrees with this rejection, the Applicant has amended Claims 2, 4, 14, and 17. Accordingly, the Applicant respectfully requests that the Examiner reconsider and withdraw these rejections under §112.

REJECTIONS OF THE CLAIMS UNDER §102

The Examiner has rejected Claim 2 under 35 U.S.C. §102(e) as being anticipated by the Simmons reference (US 6,629,634). The Applicant has rewritten Claim 2 in dependent form, such that it depends from Claim 4. For these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw these rejections under §102.

REJECTIONS OF THE CLAIMS UNDER §103

The Examiner has rejected Claims 4 and 12-18 under 35 U.S.C. §103(a) as being unpatentable over Simmons in view of Castro (US 4,359,185) and has rejected Claims 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Simmons in view of Gelineau et al. (US 3,707,260).

Regarding Claim 4, the Applicant respectfully asserts that the Examiner has not established a *prima facie* case because (a) the Simmons reference in view of Castro does not teach or suggest each and every element of Claim 4, and (b) the Simmons and Castro references do not provide any motivation to combine the references.

In particular, the references do not teach or suggest the “translucent secondary section that substantially allows light to enter into the cavity and substantially prevents viewing of the cavity” element of claim 4. The Examiner states that “Simmons discloses all of the limitations

except for the secondary section 26 substantially allowing light entry into the cavity and substantially preventing viewing of the cavity.” The examiner has relied on the Castro reference to disclose this element and the Applicant asserts that the Castro reference does not teach or suggest this element. The Summary of the Invention section of the Castro reference states: “The windows are translucent allowing the delivery person to see if there is outgoing mail and allows the resident to view whether there has been a delivery.” Therefore, the Castro reference teaches providing a section to permit viewing of the cavity and does not teach or suggest a translucent secondary section that substantially allows light to enter into the cavity and substantially prevents viewing of the cavity.

Additionally, the Simmons and Castro references do not provide any motivation to combine the references to obtain the “translucent secondary section that substantially allows light to enter into the cavity and substantially prevents viewing of the cavity” element of claim 4. The Simmons reference teaches the housing 12 having a first side window 26 that is transparent and that, preferably, panel 18 is made of or comprises a transparent material (e.g., shatterproof glass, plexiglass, and the like) such that the inside of housing 12 is viewable from the outside through panel 18. As noted above, the Castro reference teaches the windows allowing the delivery person to see if there is outgoing mail and allowing the resident to view whether there has been a delivery. These references both teach substantially transparent sections that permit viewing of the cavity. Therefore, the Simmons and Castro references do not provide any motivation to combine the references to obtain the “translucent secondary section that substantially allows light to enter into the cavity and substantially prevents viewing of the cavity” element of claim 4.

For these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection under §103. Further, the Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of Claims 2 and 12-18, which depend on Claim 4.

CONCLUSION

In view of the preceding amendments and remarks, the Applicant respectfully submits that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicant respectfully requests that the Examiner contacts the Attorney of the Applicant at the earliest convenience of the Examiner.

Respectfully submitted,

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